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## MEMO ENDORSED

April 21, 2011

*By Facsimile*

Hon. James C. Francis, IV  
 United States Magistrate Judge  
 Southern District of New York  
 500 Pearl Street  
 New York, NY 10007-1312

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Re: *Coultrip, et al. v. Pfizer, Inc., No. 06 Civ. 9952 (JCF)*

Dear Judge Francis:

We represent the plaintiffs in the above-captioned action. We write to propose a briefing schedule for plaintiffs' motion for class certification pursuant to Federal Rule of Civil Procedure 23. Plaintiffs' respectfully propose that their moving papers in support of their motion for class certification be filed no later than June 9, 2011; that defendant's opposition papers be filed no later than July 22, 2011; and that plaintiffs' reply papers be filed no later than August 11, 2011. Defendant consents to this proposed schedule. //

Before the motion for class certification can be submitted, Angela Cohen and Amanda Boal, the two Named Plaintiffs added in plaintiffs' First Consolidated Complaint, must be deposed. Originally, the parties had intended to take these depositions while plaintiffs' motion for leave to file a consolidated, amended complaint ("Motion") was pending. Defendant, however, changed its position, deciding that it was unwilling to depose Ms. Cohen or Ms. Boal until the Court decided plaintiffs' Motion. As the Court knows, plaintiffs' Motion was granted on March 24, 2011.

Since the Court granted plaintiffs' Motion, the parties have been working together in an effort to submit the impending motion for class certification as expeditiously as possible. On March 29, 2011 (five days after the Court granted plaintiffs' Motion), the parties agreed to take Ms. Cohen's and Ms. Boal's depositions during the last two weeks in April. Pursuant to this agreement, Ms. Cohen's deposition is currently scheduled to take place on April 29, 2011. Unfortunately, however, Ms. Boal's father is seriously ill and it has been difficult to schedule her deposition, particularly because she and her father live in California and the deposition is

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scheduled to be in New York. Understandably, Ms. Boal needs to attend to her father's needs first and foremost, and the parties have made all efforts to accommodate her. While her father's condition is still precarious, she has indicated that she hopes to be available to come to New York City for a deposition in the middle of May. The parties have therefore tentatively agreed to proceed with her deposition on May 13, 2011.

During the final two and a half weeks of May, plaintiffs' attorneys have a heavy workload in their other cases, including a brief in opposition to a motion for summary judgment, a class certification motion in another matter, expedited discovery, and a motion for a preliminary injunction. It would thus be quite burdensome on plaintiffs' attorneys were plaintiffs' moving papers to be due during this period.

In light of the uncertainty surrounding Ms. Boal's deposition and the schedule of plaintiffs' attorneys, we respectfully submit that this proposed schedule will account for all eventualities while still allowing for plaintiffs' motion for class certification to be filed expeditiously.

Thank you for your attention to this matter.

Respectfully submitted,

Samuel Shapiro

c. All counsel, by *email*

4/22/11  
Application granted.  
so ORDERED.  
James C. Francis IV  
VSMT